



UNITED STATES DISTRICT COURT
EASTERN DISTRICT COURT OF NEW YORK

FORM TO BE USED IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
(Prisoner Complaint Form)

1. CAPTION OF ACTION

A. Full Name and Prisoner Number of Plaintiff: NOTE: *If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application and a signed Authorization or the only plaintiff to be considered will be the plaintiff who filed an application and authorization.*

LEROY PEOPLES, #05A2620

-VS-

B. Full Name(s) of Defendant(s) NOTE: *Pursuant to Fed. R. Civ. P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant.*

- | | |
|---------------------------------------|-------------------------------------|
| 1. CONFIDENTIAL, FOR COURT | 2. MELINDA KATZ, Queens County D.A. |
| 3. IRA A. MARGULIS, Judge | 4. _____ |
| 5. _____ | 6. _____ |

2. STATEMENT OF JURISDICTION

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: *To list additional plaintiffs, use this format on another sheet of paper.*

Name and Prisoner Number of Plaintiff: _____
Present Place of Confinement & Address: _____

Name and Prisoner Number of Plaintiff: _____
Present Place of Confinement & Address: _____

DEFENDANTS INFORMATION NOTE: To list additional defendants, use this format on another sheet of paper.

Name of Defendant: _____
(If applicable) Official Position of Defendant _____
(If applicable) Defendant is Sued in _____ Individual and/ or _____ Official Capacity
Address of Defendant: _____

Name of Defendant: _____
(If applicable) Official Position of Defendant _____
(If applicable) Defendant is Sued in _____ Individual and/ or _____ Official Capacity
Address of Defendant: _____

Name of Defendant: _____
(If applicable) Official Position of Defendant _____
(If applicable) Defendant is Sued in _____ Individual and/ or _____ Official Capacity
Address of Defendant: _____

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action? Yes _____ No ☒

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2 Court (if federal court, name the district; if state court, name the county): _____

Docket or Index Number: _____

Name of the Judge whom case was assigned: _____

The approximate date the action was filed: _____

What was the disposition of this case?

Is it still pending? Yes _____ No _____

If not, give the approximate date it was resolved. _____

Disposition (check the boxes which apply)

- ☐ Dismissed (check the boxes which indicates why it was dismissed):
- ☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
 - ☐ By court for failure to exhaust administrative remedies;
 - ☐ By court for failure to prosecute, pay filing fee or otherwise Respond to a court order;
 - ☐ By court due to voluntary withdrawal of claim;
 - ☐ Judgment upon motion or after trial entered for
 - ☐ plaintiff
 - ☐ defendant

Have you begun any other lawsuits in federal court which relate to your imprisonment?
Yes ☒ No _____

If Yes, complete the next section. NOTE: If you have brought more than one other lawsuit dealing with your imprisonment, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:
Plaintiff(s): LEROY PEOPLES
Defendant(s): NYS BOARD OF PAROLE
2. District Court: Eastern District of New York
3. Docket Number: ?
4. Name of District or Magistrate Judge to whom case was assigned: ?
5. The approximate date the action was filed in:

6. What was the disposition of the case? Yes ☒ No ☐
Is it still pending? Yes ☐ No ☐
If not, give the approximate date it was resolved. _____
Disposition (check the boxes which apply)
☐ Dismissed (check the boxes which indicates why it was dismissed):
☐ By court sua sponte as frivolous, malicious or for failing to
state a claim upon which relief can be granted;
☐ By court for failure to exhaust administrative remedies;
☐ By court for failure to prosecute, pay filing fee or otherwise
Respond to a court order;
☐ By court due to voluntary withdrawal of claim;
☐ Judgment upon motion or after trial entered for
☐ plaintiff
☐ defendant

5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983 (This list does not include **all** possible claims.)

Religion

Access to the Courts

Search & Seizure

Free Speech

False Arrest

Malicious Prosecution

Due Process

Excessive Force

Denial of Medical Treatment

Equal Protection

Failure to Protect

Right to Counsel

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims.

Fed. R. Civ. P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of *res judicata*, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed R. Civ. P. 10(b) states that "[a]ll averments of claim...Shall be made in numbered paragraphs, the contents of which shall be limited as far as practicable to a single set of circumstances"

A. FIRST CLAIM: On (date of incident) _____
defendant (give the name and position held of each defendant involved in this incident) _____

This claim is against Melinda Kutz, Queens County District Attorney and
founder of the Queens County, Conviction Integrity Unit (C.I.U.).
did the following to me (briefly state what each defendant named above did): _____

Petitioner filed a application in the Queens County, Conviction Integrity Unit, in
Aproximately April, 2020. Petitioner's application has been pending for 3 yrs. in
which I claim I am wrongfully convicted of two-counts of rape in the first degree -
as a armed felony offense; that the statute of limitations has expired for count-
one in violation of due process of law. Petitioner asserts in this Section 1983 that
he is entitled to documentary evidence from the Queens Co. D.A. Office / C.I.U., of
Count-six of Indict. #: 2103-2003 which shows that the evidenced ~~was~~ was a inoperable
BBgun. Petitioner's claim to entitlement of this documentary evidence is not deemed a
challenge to his conviction or sentence and is not barred by Preiser/Heck. (Next Page →)

The constitutional basis for this claim under 42 U.S.C. § 1983 is: Denial of Due Process
of Law in withholding criminal evidence under Queens Co. Indict. # 2103-2003.
The relief I am seeking for this claim is (briefly state the relief sought): Injunctive relief to
be provided documents and declaratory relief reminding C.I.U. of its duties.

Exhaustion of Administrative Remedies

According to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Did you grieve and/or appeal this claim:

Yes _____ No ☒

If your answer is yes, state the result: _____

Did you appeal that decision:

Yes _____ No ☒

If your answer is yes, state the result: _____

A. First Claim: Petitioner also claims that he is entitled to pre-indictment prosecutorial and police investigative-documents from 1998 to 2003 that are relevant to Indictment #: 2103-2003. Petitioner was never afforded documentary evidence that the district attorney office knew evidence for count-six of said indictment was that of a inoperable BB gun; nor was petitioner afforded documentary evidence of the pre-indictment prosecutorial and police investigation in this case. A request for said documents is not attack on petitioners conviction or sentence, it is a document production request that will aid petitioner in his communications with the Queens County Conviction Integrity Unit before which his application for reinvestigation of his claims for wrongful conviction are pending. The CIU will not communicate with me with updates and petitioners application has been languishing in C.I.U. for approximately two years. Petitioner believes with him in possession of these documents would afford him other post-conviction avenues for relief such as: state and/or federal habeas corpus. The set of procedures adopted by the Queens County Conviction Integrity Unit to review applications and investigate claims of wrongful conviction claims by plaintiff is inadequate in violation of the 14th Amendment of the U.S. Constitution. Even if petitioners demand for these documents may be misconstrued or implied as a attack on his conviction or sentence, the Court should rule that claim to be without merit because, although these documents will show that rape in the first degree is not a armed felony, this would not negate petitioners guilt for rape. Petitioner also request that the Court remind the C.I.U. of its duties pursuant to "New York Rule of Professional Conduct 3.8." See, Peoples v. Samuels, 133 AD3d 785 (2d Dept. 1987); Peoples v. Ross, 141 AD2d 777 (2d Dept. 1988); (See, Exhibit-A: attached hereto) Petitioner would like defendant Kutz to order him a hearing before Judge Margulis expeditiously, on the merits of his C.I.U. application. Petitioners request for documentary evidence for pre-indictment prosecutorial and police investigative documents, is to pursue claims in state court for denial of constitutional right to speedy trial and pre-indictment delay pursuant to NYS precedent. See, People v. Regan, 2023 WL 254534 (Ct. App. 3/16/2023)

Attach any documents which indicate that you have exhausted your administrative remedies regarding this claim.
If your answer is no, state why you did not: No appeal mechanism exist

B. SECOND CLAIM: On (date of incident) _____
defendant (give the name and position held of each defendant involved in this incident) _____

This claim is against ~~Judge A. Marg~~ Ira A. Margulis, Judge / Acting
Supreme Court Justice of Queens County Supreme Court, Term Part: K-12.
did the following to me (briefly state what each defendant named above did): _____

Petitioner is procedurally barred from submitting any pro se post-conviction
CPL 440.10 / 440.20 motions before Judge Margulis in Criminal Term Part-
K-12, since approximately 2015 / 2016. Judge Margulis is denying me
due process of law and denying me access to the court. Petitioner, upon
information and belief, state that the reason the C.I.U. is not expediting
his wrongful conviction claims is because they are aware that Judge Margulis
has procedurally barred him from submitting post-conviction motions. Petitioner
has valid state and federal constitutional claims to submit in a CPL 440 motion.
Petitioner believes he is denied his state & federal constitutional rights to a speedy (next page →)

The constitutional basis for this claim under 42 U.S.C. § 1983 is: Denial of due process &
equal protection of the law, and denial of access to the court.
The relief I am seeking for this claim is (briefly state the relief sought): Injunctive relief
and Declaratory relief consistent with the above claims.

Exhaustion of Administrative Remedies

According to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Did you grieve and/or appeal this claim:

Yes _____ No ☒

B. Second Claim: trial and pre-indictment delay, pursuant to People v. Regan,
~~200~~ 2023 WL 259534 (Ct. App. 3/16/2023), under count-one of Indict.

2103-2003. Petitioner has notified C.I.U. and Judge Margulis of these
claims, in a May 30, 2023, letter, and C.I.U. replied June 2, 2023.
(Exhibit-A) Judge Margulis has yet to respond to my request for leave, nor
has he used his Judicial authority to appoint counsel to investigate my claims, thus
denying me access to the court, equal protection of law and due process of law.
Judge Margulis should be reminded of his duties and order to allow petitioner access to
the court to pursue a N.Y. CPL 440 motion to address his claims before C.I.U. -

Regan, Id., is NYS precedent in that it establishes an accused rights to a speedy
trial and not to be prejudiced by pre-indictment delay, under NYS Constitution
(and essentially, the U.S. Constitution). Petitioner's claims are meritorious, and the denial
of access to court has been a ongoing constitutional violation. Petitioner request a hearing
before Judge Margulis pursuant to Regan, Id., and with the consent of defendant Katz -
on the merits of his C.I.U. application. And that the procedural barr in place by Judge
Margulis be revoke to allow petitioner to pursue post-conviction remedies.

If your answer is yes, state the result: N/A

Did you appeal that decision: Yes _____ No ✓
If your answer is yes, state the result: _____

*Attach any documents which indicate that you have
exhausted your administrative remedies regarding this claim.*

If your answer is no, state why you did not: Because Judge Margulis told me to
write him to request access to the court which I did, but he ignores me.

If you have additional claims, use the above format to set them out on additional sheets of paper.
(Next Page →)

6. RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above

Injunctive & Declaratory relief against defendant Katz; and, Injunctive &
Declaratory relief against defendant Margulis, in support of the constitutional
violation allegations in this Section 1983 Civil Rights Complaint.

Do you want a jury trial? Yes X No ✓

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 28, 2023.
(date)

**NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed
with the Court.**

Leroy Peoples #05A2620

Signature(s) of Plaintiff(s)

EXHIBIT - A



Queens County District Attorney

125-01 QUEENS BOULEVARD

KEW GARDENS, NEW YORK 11415-1568

Melinda Katz

District Attorney

718.286.6000

WWW.QUEENSDA.ORG

November 2, 2022

LeRoy Peoples, 05A2620
Clinton Correctional Facility
P.O. Box 2001
Dannemora, New York 12929

Dear Mr. Peoples:

Please be advised that the Queens County District Attorney's Office Conviction Integrity Unit ("CIU") cannot provide case updates upon request. Due to the volume of submissions, please allow us some time to process and review your matter. Once your submission is reviewed, you will be contacted with further information.

Sincerely,

Bryce Benjet

Bryce Benjet
Director, Conviction Integrity Unit

LeRoy Peoples, #05A2620
Clinton Corr. Fac.
P.O. Box 2001
Dannemora, NY 12929

May 30, 2023

Hon. Ira A. Margulis
Judge Chambers, Term Part: K-12
Supreme Court of the State of New York
Queens County
125-01 Queens Boulevard
Kew Gardens, NY 11415

Re: PSNY v. LeRoy Peoples, Queens Co. Indict. #: 2103-2003
Subject: Requesting to submit a C.P.L. 440.10 motion

Your Honor,

I write to inquire and respectfully request of the Court to be allowed to submit a C.P.L. 440.10 motion, pursuant to recent Court of Appeals precedent in the action of People v. Regan, 2023 WL 2529534 (Ct. App. 3/16/2023)? I make this request because, this Court has previously 'procedurally barred' me from motion practice in this Court without first seeking leave. I believe I have meritorious claims to raise.

Thank you for your attention to this brief but urgent missive!

Sincerely, etc.,

LeRoy Peoples

cc: filed

Bryce Benjet, Director
Conviction Integrity Unit
Queens County District Attorney's Office
125-01 Queens Boulevard
Kew Gardens, NY 11415-1568



Queens County District Attorney

125-01 QUEENS BOULEVARD

KEW GARDENS, NEW YORK 11415-1568

Melinda Katz

District Attorney

718.286.6000

WWW.QUEENSDA.ORG

June 2, 2023

Leroy Peoples, 05A2620
Clinton Correctional Facility
P.O. Box 2001
Dannemora, NY 12929

Dear Mr. Peoples:

The Queens County District Attorney's Office Conviction Integrity Unit ("CIU") has received your letter dated May 26, 2023. Please be advised that the CIU cannot provide case updates upon request. Due to the volume of submissions, please allow us some time to process and review your matter. Once your submission is reviewed, you will be contacted with further information.

Sincerely,

Bryce Benjet

Bryce Benjet
Director, Conviction Integrity Unit

DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

CLINTON CORRECTIONAL FACILITY

P.O. BOX 2001

DANNEMORA, NEW YORK 12929

NAME: LeRoy Peoples DIN: 05A2620

United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201-1818

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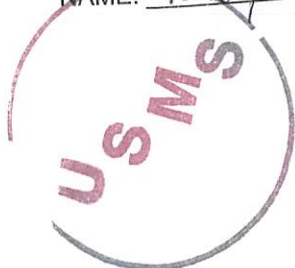
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Clinton



Correctional Facility



Legal Mail

NEW YORK STATE
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
INCARCERATED INDIVIDUAL CORRESPONDENCE PROGRAM
NAME: LeRoy Peoples DIN: 05A2620